



WEB COPY



W.P.No.25455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.25455 of 2023

G.Kokilapriya

.. Petitioner

VS

Saveetha College of Physiotherapy,
Rep. by its Principal,
Saveetha University Campus,
Thandalam,
Chennai – 602 105.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to forthwith return all the original certificates of the petitioner including the Transfer Certificate from the school, 10th Standard Mark Sheet, 12th Standard Mark sheet, Community Certificate and Birth Certificate.

For Petitioner : Mr.P.K.Rajagopal

For Respondent : Mr.P.Navaneethakrishnan

ORDER

The petitioner had joined a Graduate Course in Physiotherapy in the respondent college in 2017. She discontinued the course in 2019 for medical reasons. Thereafter, she approached the college for return of the



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original certificates submitted at the time of admission, but to no avail despite the threat of legal action. Hence, the present writ petition where the petitioner seeks a mandamus directing the respondent to return all original certificates including, but not limited to school transfer certificate, 10th standard and 12th standard mark sheets, community certificate and birth certificate.

2.The respondent has filed counter where at paragraph 7, they state as follows:

“7. I respectfully submit that now the university is prepared to return the original 10th and 12th mark sheets, community certificate, and birth certificate as well as issue the college Transfer Certificate (TC) of the petitioner.

8. I respectfully submit that we are ready to return all the original certificates either to the petitioner or to her father as per the direction of this Hon'ble Court.”

3.In light of the aforesaid, there is no further hurdle in the petitioner receiving the original documents submitted by her. In fact, in the preceding paragraphs of the counter affidavit, the respondent has referred to a reply issued to a letter sent by the petitioner's father wherein they state that the request of the petitioner to discontinue the course has been accepted and she could receive all her original certificates and transfer certificate.



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4.The petitioner now apprehends that upon presenting herself, the college may make a demand for arrears of fees. While the respondent is at liberty to call for settlement of any outstanding charges/fees, such demand must be in accordance with law. Furthermore, it is a settled position that the original certificates cannot be retained by the institution as lien towards arrears of fees. There should also be no endorsement or any other mark on the certificate indicating outstanding charges/fees, if any.

5.The petitioner may present herself before the College accompanied by a copy of this order and obtain return of all the original certificates.

6.In fine, and recording the undertaking of the college at paragraphs 7 and 8 extracted supra, this writ petition is allowed. No costs.

04.06.2024

Index:Yes/No
Neutral Citation:Yes
Speaking Order:Yes
vs

To
The Principal,
Saveetha College of Physiotherapy
Saveetha University Campus, Thandalam,
Chennai – 602 105.



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DR. ANITA SUMANTH,J.

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